

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JIMMY KORAH MALIEKAL,

Petitioner,

vs.

No. 11 CV 0613 MCA/RHS

RAY TERRY, Warden,

Respondent.

ORDER TO RESPOND

THIS MATTER comes before the Court on the Respondent United States' Supplemental Response to Petition for a Writ of Habeas Corpus (Doc. 7), filed September 12, 2011 and Petitioner Jimmy Korah Maliekal's correspondence (Doc. 8), also filed September 12, 2011.

On August 24, 2011, this Court ordered Respondent "to file an appropriate brief advising the Court of the current status of Petitioner Maliekal and this civil proceeding on or before Monday, September 12, 2011." (Doc. 6). On the deadline day, Respondent requested that the case be held in abeyance because Immigration and Customs Enforcement (ICE) and Enforcement and Removal Operations (ERO) obtained travel documents for Petitioner and it was expected that his deportation was imminent. Respondent also noted that it would file a motion to dismiss the Petition as moot once counsel received documentary proof that Petitioner had been removed. (Doc. 7).

As of the date of this Order, Petitioner has been detained past August 24, 2011, the deadline for the presumptively reasonable time period of six months. The Court declines to hold the case in abeyance because Respondent has not offered good cause why Respondent has been, and should continue to be, detained beyond the presumptively reasonable time period. The

Court will order that Respondent file a status report advising the Court of the current status of Petitioner and this case by Friday, October 21, 2011.

THEREFORE IT IS ORDERED THAT Respondent file a status report by Friday, October 21, 2011 to advise the Court of the current status of Petitioner and this case.

Robert Hayes Scott

Robert Hayes Scott
United States Magistrate Judge